

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

Applicant first expresses gratitude to the examiner for the telephonic interview conducted with Applicant's representative on November 18, 2009. During the interview, Applicant suggested that U.S. Patent Application Pub. No. 2003/0135152 of Kollar et al. does not qualify as prior art under 35 U.S.C. § 102(b) in the instant case. The examiner seemed to agree that Kollar does not qualify, at least under § 102(b).

Applicant also asked the examiner about the rejection of "[c]laims 1, 5-9, 12-13, 15 under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 5,247,434, PETERSON et al." (Office Action page 4). Applicant noted that at Office Action page 5, the Office Action provides grounds of rejection associated with *claims 2 and 3*. And, both of the grounds of rejection rely upon the Kollar reference (i.e., stating that "KOLLAR discloses . . ."). The examiner stated that she must have intended to reject claims 2 and 3 based on Peterson. Therefore, in this response, Applicant is proceeding on the basis that claims 2 and 3 do stand rejected over Peterson on the grounds presented at Office Action page 5.

Turning to the Amendment, the written description portion of the specification, claims 1 and 4-15, and the abstract of the disclosure have been amended. Claims 2 and 3 have been canceled without prejudice or disclaimer. New claims 16-18 have been added.

Claims 1 and 4-18 are now pending in the application. Claims 1 and 16 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended to more fully comply with U.S. practice.

Claim 1 has been amended to even more clearly define the invention by incorporating features of the unit previously recited in now-canceled claims 2 and 3. New claims 16-18 have been added to further define the scope of protection sought for Applicant's invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Kollar

Claims 1-3, 5, 6, and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Pub. No. 2003/0135152 of Kollar et al. (hereinafter "Kollar").

The rejection of claims 1-3, 5, 6, and 10-15 under § 102(b) based on Kollar is respectfully traversed. As indicated above in the statement of substance of the telephonic interview, Applicant submits that Kollar does not qualify as prior art under

35 U.S.C. § 102(b) in the instant case. Nonetheless, pending a final resolution of this issue, in the interest of being fully responsive to the Office Action, Applicant submits that for at least the following reasons, the disclosure of Kollar does not anticipate Applicant's presently claimed invention.

As indicated above in the introductory remarks, claim 1 has been amended to even more clearly define the invention by incorporating features of the unit previously recited in now-canceled claims 2 and 3. Instant claim 1 defines an embodiment of the invention in which

the display and input unit includ[es] a plurality of mode means that show various time modes of a blood treatment on the touch screen, the mode means being selectable by an operator via the touch screen and being arranged with respect to one another in order of their occurrence in time, and includ[es] at least one blood treatment preparation means, one blood treatment means, and one blood treatment after-preparation means, and

the control unit [is] configured to

(i) identify the respectively running time mode and to instruct the display and input unit to show the corresponding mode means selected from other mode means, by showing the other mode means in a first type of symbol and the selected mode means in a second type of symbol, and

(ii) establish an end of at least one of the time modes in order to automatically initiate a beginning of a subsequent time mode and to communicate the initiation of the time mode to the display and input unit for changing the representation of the selected mode means.

Kollar's "Disposable Cartridge for a Blood Perfusion System" is structurally and functionally different from Applicant's presently claimed blood treatment unit. Kollar relates to a disposable cassette for an extracorporeal blood treatment system.

In Section VII "System User Interface" (page 17), Kollar describes the user interface of the blood treatment system. See, in particular, Figures 30A and 30I.

Figure 30A shows a screen 242 with the title "User Set Up." Various instructions 1 to 7 are shown. After the user has undertaken actions according to the instructions, this particular screen can be left by touching the "Load" button. The next screen that would appear is shown in Kollar's Figure 30B.

Figure 30B shows the new screen and has a title "Auto Load," and offers the user the buttons 1 to 5. After the corresponding steps have been concluded, the user must touch the "Auto Prime" button in order to get to the next screen, which is shown in Figure 30D.

The screen in the aforementioned Figure 30D appears similar to the screen of Figure 30B. After again having carried out the corresponding actions, the user must touch the "Bypass" button in order to get to the screen of Figure 30I.

The screen of Figure 30I is different from the above-described screens, each of which concerns preparational steps that are carried out before an extracorporeal blood treatment takes place. The screen of Figure 30I concerns the actual operation of the system during a blood treatment. The screen of Figure 30I therefore has the title "Main." The screen of Figure 30I provides treatment parameter values as well as status information.

If the user would like to leave the treatment mode, he must touch the button "Go to Post Bypass" in Figure 30I, which leads to the screen shown in Figure 30J. Should the user wish to terminate the operation of the blood treatment system and to remove components of the extracorporeal blood circuit from the device, it is necessary to touch the button "Move to Unloading" shown in Figure 30J. This causes the screen shown in Figure 30K to appear.

The screen shown in Figure 30K is entitled "Unload." Similar to the first-described screens, the screen of Figure 30K provides instructions - for the removal of the extracorporeal blood tubing set - and additional buttons for other purposes. If the user would like to start the system again, he must activate the button "Set Up" as shown in Figure 30L. Then, the user will return to the screen shown in Figure 30A.

Therefore, Kollar only discloses screens that concern either the preparation of the blood treatment device (e.g., "User Set Up," "Auto Load," and "Auto Prime"), the operation of the blood treatment system during the blood treatment (e.g., "Main"), or any actions carried out after the blood treatment (e.g., "Unload"). That is, according to Kollar, only one screen is shown at the same time, and if the user would like to change from one screen to the next, the user must take an action like touching a button in order to provide the instructions to do so.

Therefore, Kollar's device is different from the embodiment of Applicant's invention that is defined by instant

claim 1. Instant claim 1 requires that the mode means, which are shown on the display and input unit, are arranged with respect to one another in their time sequence and that this time sequence concerns at least mode means for the preparation phase, the blood treatment phase, and the after-preparation phase. Kollar simply does not meet each feature of Applicant's claim 1.

Since Kollar does not meet each feature of the presently claimed invention, Kollar does not anticipate the invention defined by Applicant's instant claim 1. Claims 5, 6, and 10-15 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

35 U.S.C. § 102(b) - Peterson

Claims 1, 5-9, 12, 13, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,247,4343 of Peterson et al. ("Peterson").

The rejection of claims 1, 5-9, 12, 13, and 15 under § 102(b) based on Peterson is respectfully deemed to be obviated. As indicated above in the statement of substance of the telephonic interview, Applicant is proceeding on the basis that claims 2 and 3 do stand rejected over Peterson on the grounds presented at Office Action page 5. For at least the following reasons, the disclosure of Peterson does not anticipate Applicant's presently claimed invention.

Peterson's "Method and Apparatus for Kidney Dialysis" is structurally and functionally different from Applicant's presently claimed blood treatment unit. Peterson fails to teach, *inter alia*, Applicant's claimed feature of

the display and input unit including a plurality of mode means that show various time modes of a blood treatment on the touch screen, the mode means being selectable by an operator via the touch screen and being arranged with respect to one another in order of their occurrence in time, and including at least one blood treatment preparation means, one blood treatment means, and one blood treatment after-preparation means.

Since Peterson does not meet each feature of the claimed invention, Peterson does not anticipate the invention defined by Applicant's claim 1. Claims 5-9, 12, 13, and 15 are allowable because they depend, either directly or indirectly, from claim 1, and for the subject matter recited therein.

35 U.S.C. § 103(a) - Kollar

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kollar.

The rejection of claim 4 under § 103(a) based on Kollar is respectfully traversed. For at least the following reasons, the disclosure of Kollar would not have rendered obvious Applicant's claimed invention.

Claim 4 depends from claim 1. For all of the reasons explained above in response to the rejection of claims 1-3, 5, 6,

and 10-15 under § 102(b) based on Kollar, claim 1 is allowable. Claim 4, therefore, is also allowable.

And, because of the differences described above in response to the rejection under § 102(b), there is simply no teaching in Kollar that would have led one to modify the reference in a way that would result in the invention defined by claim 4. Accordingly, the disclosure of Kollar would not have rendered obvious Applicant's claimed invention.

New claims 16-18 have been added to further define the scope of protection sought for Applicant's invention. New claims 16-18 are also allowable. Claim 16 defines an embodiment of the invention that includes a

display and input unit including a plurality of mode touch screen areas that display modes of the blood treatment on the touch screen, the mode touch screen areas being selectable by an operator and being arranged sequentially on the touch screen in order of their occurrence in time during the blood treatment, and including at least one of the mode touch screen areas for each of a blood treatment preparation mode, a blood treatment mode, and blood treatment post-preparation mode.

Since claim 16 includes at least the features discussed above with respect to the rejections over Kollar and Peterson, the references neither anticipate nor would have rendered obvious the unit defined by claim 16.

Claims 17 and 18 are allowable because they depend from claim 16, and for the subject matter recited therein. Claim 18, for example, defines an embodiment of the invention in which the

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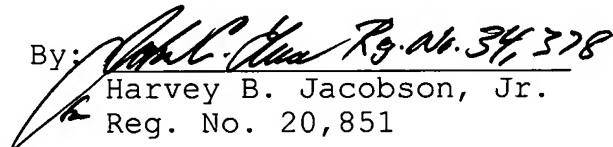
touch screen area for the blood treatment preparation mode includes a touch screen area for each of a blood system mode 41a and a preparation mode 41b, and the touch screen area for the blood post-preparation mode includes a touch screen area for each of a re-infusion mode 43a and a purification mode 43b.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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